

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

THE RONALD AND MAXINE LINDE
FOUNDATION, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

FUNKO, INC.; BRIAN MARIOTTI;
RUSSELL NICKEL; KEN BROTMAN; GINO
DELLOMO; ADAM KRIGER; RICHARD
MCNALLY; CHARLES DENSON; DIANE
IRVINE; GOLDMAN SACHS & CO.; J.P.
MORGAN SECURITIES LLC; MERRILL
LYNCH, PIERCE, FENNER & SMITH
INCORPORATED; ACON INVESTMENTS,
L.L.C.; and FUNDAMENTAL CAPITAL,
LLC,

Defendants.

NO. 2:18-cv-00282-RSM

**STIPULATION AND ORDER
EXTENDING TIME TO ANSWER,
MOVE, OR OTHERWISE RESPOND
PENDING REMAND PROCEEDINGS**

Plaintiff The Ronald and Maxine Linde Foundation (“Plaintiff”) and Defendants, by
and through their undersigned counsel of record, hereby stipulate and agree as follows:

1. On January 18, 2018, Plaintiff filed the complaint in this putative class action
(the “Complaint”) in the Superior Court of Washington in and for King County against Funko,
Inc., Brian Mariotti, Russell Nickel, Ken Brotman, Gino Dellomo, Adam Kriger, Richard
McNally, Charles Denson, and Diane Irvine (collectively, the “Funko Defendants”); Goldman

1 Sachs & Co. LLC; J.P. Morgan Securities LLC; Merrill Lynch, Pierce, Fenner & Smith
2 Incorporated; ACON Investments, L.L.C.; and Fundamental Capital, LLC (collectively, the
3 “Additional Defendants,” and together with the Funko Defendants, the “Defendants”).

4 2. The Complaint alleges violations of Sections 11, 12, and 15 of the federal
5 Securities Act of 1933, 15 U.S.C. § 77a, *et seq.*

6 3. On February 23, 2018, the Funko Defendants removed this action to this Court,
7 along with two additional cases arising out of the same allegations and asserting substantially
8 the same causes of action as this case. *See Baskin v. Funko, Inc., et al.*, 2:18-cv-00281-RSM;
9 *Surratt v. Funko, Inc., et al.*, 2:18-cv-00283-RSM.

10 4. Although the Funko Defendants identified all three removed actions as “related
11 to” *Lowinger v. Funko, Inc., et al.*, 2:18-cv-00201-RSM, which the Funko Defendants removed
12 to this Court on February 7, 2018, the cases were assigned to different judges.

13 5. On March 2, 2018, this action was reassigned to Judge Ricardo S. Martinez, as
14 related to *Lowinger v. Funko, Inc., et al.*, 2:18-cv-00201-RSM.

15 6. Plaintiff intends to file a motion to remand this action to the Superior Court of
16 Washington in and for King County.

17 7. There have been no prior extensions of time for Defendants to answer, move or
18 otherwise respond to the Complaint in this Court.

19 8. Subject to this Court’s approval, the Defendants’ time within which to answer,
20 move, or otherwise respond to the Complaint is extended pending the Court’s resolution of any
21 motion to remand that Plaintiff may file, except as otherwise ordered by the Court.

22 9. Except as otherwise ordered by the Court, after a decision is issued on any
23 motion to remand that Plaintiff may file, the undersigned parties will confer regarding a
24 schedule for answering, moving, or otherwise responding to the Complaint.

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SO STIPULATED AND AGREED this 2nd day of March 2018.

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Karl P. Barth [email authorization]

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STIPULATION AND ORDER EXTENDING TIME TO
ANSWER, MOVE, OR OTHERWISE RESPOND PENDING
REMAND PROCEEDINGS - 3
(No. 2:18-cv-00282-RSM)

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15 *Attorneys for Defendant ACON Investments, L.L.C.*

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I. ORDER

In accordance with the foregoing stipulation, it is so **ORDERED**.

DATED: March 5, 2018.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE